

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SUNFIELD ENTERPRISE
CORPORATION,

Plaintiff/Counterclaim Defendant,

v.

SAPPHIRE AUDIO LLC

Defendant/Counterclaim Plaintiff.

C.A. No. 05-CV-685

ORDER

At Wilmington this 10th day of January, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by February 7, 2006, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: the circumstances and terms of the parties' agreements concerning the manufacture and sale of subwoofers and speakers; the facts and circumstances surrounding Sunfield's manufacture of those products; the circumstances of Sapphire's inspection, acceptance and/or rejection of any of those products; the defects alleged by Sapphire in the speakers; the amounts paid and/or owed by Sapphire for the speakers and subwoofers ordered; the nature, substance, and circumstances of the fraudulent

representations alleged by Sapphire; and the nature, amount, and support for the damages alleged by each party.

(b) All discovery shall be commenced in time to be completed by November 8, 2006.

(c) Maximum of 30 interrogatories by each party to any other party.

(d) Maximum of 30 requests for admission by each party to any other party.

(e) Maximum of 7 depositions by plaintiff and 7 by defendant.

(f) Each deposition limited to a maximum of 8 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by October 11, 2006. Rebuttal expert reports due by October 25, 2006.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before March 15, 2006.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before November 21, 2006. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any applications to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain statement required by D. Del LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before February 21, 2007. All responses to said motions shall be filed on or before February 28, 2007.

8. **Pretrial Conference.** A pretrial conference will be held on March 7, 2007, at 4:30 p.m. in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a ¹⁻~~5~~-day jury trial commencing on March 19, 2007, in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which the present their respective cases.


United States District Judge